



SF 2250 – Robbery III (LSB 5219SV)

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Fiscal Note Version – New

Requested by Senator Keith A. Kreiman

Description

Senate File 2250 creates a Class D felony offense of third degree robbery. The offense is a non-forcible felony and is not subject to a mandatory minimum prison term of 70.0% of the sentence.

Background

Correctional and Fiscal Information

- Current law provides for a Class B felony offense of first degree robbery, a forcible felony subject to 25 years in prison, with the requirement that 70.0% (17.5 years) be served in prison.
- Current law provides for a Class C felony offense of second degree robbery, a forcible felony subject to 10 years in prison, with the requirement that 70.0% (7.0 years) be served in prison.
- Creating a non-forcible Class D felony of third degree robbery provides that a person may receive a sentence of probation or prison.
- In FY 2009 there were 51 offenders convicted of second degree robbery.
- The marginal cost per day for prison is \$18.29.
- The average length of stay for a Class C second degree robbery is 7.0 years in prison.
- The average length of stay for a Class D felony crime against a person is 20.9 months (1.75 years).
- The indigent defense cost difference between a Class D and a Class C felony is \$600 per case.
- There is no significant fiscal impact to the Judicial Branch.

Minority Data Information

- For FY 2009 convictions, where race was known, 40.0% were black.
- The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2008 (the most current estimates available). Men comprise 49.3% of the population. Approximately 92.0% of Iowa's population is white. The composition of the remaining 8.0% is: 3.2% black, 0.3% American Indian or Alaska Native; 1.7% Asian; and 2.8% is of two or more races or unknown.
- Iowa's prison population included 8,454 offenders on June 30, 2009. Men comprised 92.1% of the population. According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, the racial composition of the prison system was: 71.4% white; 25.8% black; 0.9% Asian or Pacific Islander; and 1.9% American Indian or Alaska Native. Included in these racial groups were 6.7% that identified themselves as Hispanic (nearly all of these identified themselves racially as being white).
- According to the CJJPD, on June 30, 2009, approximately 7.9% of the offenders in prison were women and 26.5% of offenders under supervision in Community-Based Corrections

(CBC) were women. Approximately 21.9% of the total offender population under correctional supervision was women.

Assumptions

Correctional and Fiscal Information

Third degree robbery retains the requirement that an assault occur. Therefore, it is considered a violent crime against a person.

Minority Data Information

Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact

Admissions to prison would remain constant. The number of offenders convicted of the new Class D felony of third degree robbery is unknown. However, these offenders' average length of stay in prison would be significantly reduced.

Minority Impact

To the extent the average length of stay in prison is reduced, there may be a significant decrease in the confinement of minorities.

Fiscal Impact

The fiscal impact cannot be estimated because it is not possible to estimate the number of offenders sentenced annually under this Bill. If one offender were to receive the new Class D felony rather than the current Class C felony, the prison system would save approximately \$35,000 (20.9 months imprisonment compared to seven years).

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender

/s/ Holly M. Lyons

February 15, 2010

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56](#), Code of Iowa. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
